

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
(BID PROTEST)**

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SPACE EXPLORATION)	
TECHNOLOGIES CORP.)	Civil Action No. 14-354C
)	
Plaintiff,)	Judge: Braden
v.)	
)	
THE UNITED STATES,)	
)	
Defendant,)	
)	
and)	
)	
UNITED LAUNCH SERVICES, LLC,)	
)	
Defendant-Intervenor.)	
)	

PLAINTIFF’S PRE-ADMINISTRATIVE RECORD CHRONOLOGY

Pursuant to the Court’s request, Plaintiff Space Exploration Technologies Corp. (SpaceX) respectfully submits the following chronology related to allegations contained in SpaceX’s April 28, 2014 Complaint. In the interest of providing the Court with a complete chronology in a single document, SpaceX has included here both those events of which it has knowledge *and* those events that Defendant and Defendant-Intervenor United Launch Services, LLC (ULS)¹ requested be included in the chronology.² This pre-record chronology is not intended to be a list

¹ Defendant-Intervenor, ULS, is a subsidiary of United Launch Alliance (ULA). For ease of reference, the parties use ULA and ULS interchangeably throughout this Chronology.

² Despite SpaceX’s inclusion of events requested by the other parties, SpaceX was not able to obtain their agreement to provide this filing as a jointly submitted chronology. The following numbered paragraphs in this chronology were requested by Defendants: 21-23, 25, 27-29, 31-38, 42, 44-49, 51, 53-55, 58, 62, 64, 69-71, 73-75, 77-80, and 92. These entries are also marked as being from “DEFENDANTS.”

of stipulated facts or admissions, and SpaceX intends to amend this chronology after review of the administrative record.

1. 1995 – The Evolved Expendable Launch Vehicle (EELV) Program begins with four contractors competing for awards.³

2. 1996 – The Air Force down-selects from four contractors to two, McDonnell Douglas (later became part of The Boeing Company (Boeing)) and Lockheed Martin (Lockheed), and awards contracts to design launch systems.

3. June 9, 1998 – The Air Force publishes a justification and approval (J&A) determination authorizing EELV contracts to Boeing and Lockheed.

4. October 16, 1998 – The Air Force awards first round of competitively awarded EELV launch services contracts worth approximately \$2 billion for 28 missions (Buy 1), as well as development contracts worth about \$1 billion (for a total of just over \$3 billion) to Boeing and Lockheed. These contracts were awarded years before either of Boeing or Lockheed's Delta IV or Atlas V launch vehicles had ever flown.

5. 2002 – Space Exploration Technologies Corp. (SpaceX) is founded by Elon Musk.

6. 2002 – The Air Force initiates acquisition activities for "Buy 2" for four west coast launches. Initially, it was expected that these four launches would be sole-sourced to Boeing. But as a result of an investigation in 2003 into Boeing's violations of the Procurement Integrity Act – stemming from its improper acquisition and use of sensitive and detailed Lockheed cost and technical data in competing for launch contract awards under the EELV

³ SpaceX relies on publicly available sources for events that predate its existence or lie outside of its direct knowledge.

Program – and its resulting suspension from receiving any launch service contracts, Lockheed is awarded two sole source launch service orders referred to as “Buy Now” and “Buy 2.5” for NRO missions. As a further result of Boeing’s PIA violation, Lockheed is awarded three of the previously referenced “Buy 2” missions, as well as a reallocation of seven of the “Buy 1” launch services that were originally awarded to Boeing in 1998.

7. March 2005 – Undersecretary of the Air Force Peter Teets approves a new EELV Acquisition Strategy that identifies 23 launches and eliminates competition between Boeing and Lockheed by establishing criteria for allocating launches between the two corporations (Buy 3). The Strategy also establishes a new contracting approach which includes a cost-plus “Launch Capability” contract covering the costs of infrastructure, separate and distinct from a launch vehicle production and launch services contract.

8. May 2, 2005 – Boeing and Lockheed announce their intent to form a joint venture, called United Launch Alliance (ULA).

9. May 2005 – The Federal Trade Commission (FTC) Bureau of Competition begins investigating the impact of the formation of ULA as a monopoly provider of EELV launch services.

10. 2006 – The Air Force negotiates and executes “Buy 3” contracts with Boeing and Lockheed.

11. February 2006 – The Air Force releases FY07 budget request showing that it expects to pay roughly \$215 million per single core launch vehicle that year, a figure later revised to \$264 million per single core launch vehicle in FY07.

12. July 6, 2006 – The FTC Bureau of Competition opposes the formation of ULA, stating that “the proposed joint venture is likely to have a substantial adverse effect on competition.”

13. August 15, 2006 – The Department of Defense (DoD) agrees that it will provide an annual opportunity to new competitors to qualify and compete for launch services contracts.

14. October 3, 2006 – The FTC announces it will intervene in the formation of ULA, allowing the joint venture to proceed subject to compliance with a Consent Order governing certain activities of ULA, Lockheed, and Boeing.

15. December 1, 2006 – ULA begins operations, providing EELV launch services.

16. April 26, 2007 – SpaceX files Statement of Capabilities and Request to Initiate Air Force EELV Program Qualification process.

17. May 8, 2007 – The FTC issues a Decision and Order on its Complaint based on the final Consent Agreement with Boeing, Lockheed, and ULA.

18. September 2008 – The Government Accountability Office (GAO) publishes a report on the uncertainties and management problems with the EELV Program.

19. February 6, 2009 – The Air Force issues a draft New Entrant Evaluation Plan to SpaceX for review, but never officially releases the Plan.

20. June 4, 2010 – SpaceX successfully conducts the first launch of its Falcon 9 launch vehicle.

21. DEFENDANTS: May 6, 2011 – The Air Force conducted market research by issuing a request for information (RFI) regarding the capabilities of prospective new entrant

launch vehicle service providers, including SpaceX. The RFI was posted on the Federal Business Opportunities (FedBizOpps) website. Doc. 1.⁴

22. DEFENDANTS: May 31, 2011 – SpaceX responded to the RFI by providing a statement of capabilities. Doc. 2.

23. DEFENDANTS: July – October 2011 – SpaceX provided additional information regarding its capabilities in response to questions from the Air Force. Doc. 3; Doc. 4.

24. September 2011 – The GAO issues Report No. 11-641 addressing the lack of information available about the EELV Program and raising concerns about ULA’s supplier survey that was used to justify the block buy strategy.

25. DEFENDANTS: October 6, 2011 – After considering the responses to the RFI, the Air Force determined that ULS was the only launch service provider able to provide evolved expendable launch vehicles (EELV) that met the Air Force’s requirements. The Air Force noted that SpaceX planned to meet all the Air Force’s requirements by 2016. Doc. 5; Doc. 6.

26. October 21, 2011 – Senators Carl Levin (Chairman) and John McCain (Ranking Member) issue a bi-partisan letter from the Senate Armed Services Committee to Secretary of Defense Leon Panetta noting their concerns about the lack of information highlighted in the September 2011 GAO report and asking for a pause on all further negotiations with ULA.

27. DEFENDANTS: October 27, 2011 – In coordination with the National Aeronautics and Space Administration and the National Reconnaissance Office, the Air Force published the New Entrant Certification Guide to assist SpaceX and other prospective launch vehicle service providers seeking to have their EELVs certified as meeting the Air Force’s

⁴ “Doc. __” refers to the documents listed in Defendants’ Chronology Appendix.

EELV mission assurance requirements. The Commander of the Space and Missile Systems Center (SMC) has authority to certify EELVs. Doc. 7.

28. DEFENDANTS: October – November 2011 – The Air Force created an online “bidders’ library” to share EELV program information with SpaceX and other prospective launch service providers.

29. DEFENDANTS: November 8, 2011 – The Air Force granted Marvin D. Vander Weg, Vice President of SpaceX, access to the bidders’ library.

30. November 8, 2011 – SpaceX receives New Entrant Certification Guide.

31. DEFENDANTS: November 24, 2011 – The Air Force Senior Acquisition Executive, David M. Van Buren, approved an Acquisition Strategy Document (ASD) that called for launch vehicle orders for the EELV program to be awarded in two phases. Orders in Phase 1, fiscal years 2013 through 2017, were to be sole-sourced to ULS because the Air Force had determined that ULS was the only launch service provider with the capability to provide certified launch vehicles. Launch services in Phase 2, fiscal years 2018 through 2022, were to be procured through competition among certified launch vehicle service providers. Doc. 8. The ASD was not provided to SpaceX or published at this time.

32. DEFENDANTS: November 28, 2011 – The procurement contracting officer (PCO) issued a Class Justification and Approval (J&A) to award launch service orders on a sole-source basis to ULS. The J&A was reviewed by the Program Executive Officer for Space Launch on December 5, 2011 and the Air Force Deputy Assistant Secretary (Contracting) on December 6, 2011. The Air Force Service Acquisition Executive approved the J&A on December 16, 2011. Doc. 9. The PCO issued the J&A as a class J&A because launch services were to be ordered under multiple contracts. The J&A stated that no provider other than ULS

had the capability to meet the Air Force's requirements before 2016. The J&A was not published or provided to SpaceX at this time.

33. DEFENDANTS: December 15, 2011 – The Air Force sent a draft request for proposal (RFP) to ULS for launch services through fiscal year 2017. Doc. 10. This RFP was not published or provided to SpaceX at this time.

34. DEFENDANTS: January 9, 2012 – The Air Force posted a notice of proposed contract action on FedBizOpps to publicize the proposed sole-source award to ULS. Doc. 11.

35. DEFENDANTS: January 13, 2012 - The Air Force issued undefinitized contract modification FA8811-11-C-0001 P00012 to ULS for launch services, including services for the DMSP-20 satellite. Doc 12.

36. DEFENDANTS: January 27, 2012 – The Air Force posted to FedBizOpps a public version of the J&A authorizing a sole-source award to ULS for launch services through fiscal year 2017. Doc. 13. SpaceX did not object to the J&A.

37. DEFENDANTS: February 2012 – The Office of Management and Budget (OMB) and the Department of Defense approved the Air Force's fiscal year 2013 EELV Program Objective Memorandum (POM). The POM was publicly released on the Air Force Comptroller's website, noting that the "Department is planning a requirements contract taking advantage of setting a minimum quantity at a steady production rate." Doc. 14.

38. DEFENDANTS: February 7, 2012 – SpaceX submitted its "Statement of Intent" to seek certification for its Falcon 9 v1.1 launch vehicle. Doc. 15. Certification requires three consecutive successful launches.

39. March 8, 2012 – Gil Klinger, Deputy Assistant Secretary, Space and Intelligence, and General William Shelton (USAF), Commander, Air Force Space Command, testify before the House Committee on Armed Services, Subcommittee on Strategic Forces during a Hearing on National Security Space. Deputy Assistant Secretary Klinger testifies about the value of competition to achieve cost savings.

40. March 14, 2012 – Michael Donley, Secretary of the Air Force, testifies before the Defense Subcommittee of the Senate Appropriations Committee on the FY 2013 Budget for the Department of the Air Force and states that “We have been concerned about the cost of the EELV program and ULA's performance. We believe we've been paying more than we need to for space launch . . . But our objective is to get the cost of EELV down and to bring in new competitors into space launch that will help to continue to provide more competition in this area.”.

41. March 22, 2012 – General Shelton testifies before the Senate Armed Services Committee, Strategic Forces Subcommittee on the Military Space Programs in Review of the Defense Authorization Request for Fiscal Year 2013 and the Future Years Defense Program. General Shelton testifies about the introduction of competition into the EELV Program.

42. DEFENDANTS: March 23, 2012 – The Air Force issued an RFP to ULS for launch service orders for Phase 1 of the EELV program, fiscal years 2013-2017. The RFP called for a ULS proposal within 60 days for launch capability contract line item numbers (CLINs) and a proposal within 90 days for launch vehicle production services. Doc. 16. The RFP was not published or provided to SpaceX at this time.

43. March 31, 2012 – The DoD releases a Selected Acquisition Report (SAR) in which it identifies the EELV Program as having sustained a 58 percent unit cost growth, triggering a “critical” Nunn-McCurdy unit cost breach.

44. DEFENDANTS: April 2, 2012 – SpaceX inquired whether the Air Force would post the RFP in the online bidders’ library where SpaceX could access it. Doc. 17.

45. DEFENDANTS: April 4, 2012 – The Air Force informed SpaceX that it would post the RFP in the bidders’ library once the Air Force had redacted any ULS propriety information from the RFP. Doc. 18.

46. DEFENDANTS: April 13, 2012 – The Air Force posted a redacted copy of the RFP, including the model contract, in the bidders’ library for SpaceX and other prospective launch service providers to review. No prospective launch service providers objected to the RFP’s scope or any of its terms.

47. DEFENDANTS: May 14, 2012 – In a contract action separate from contract no. FA8811-13-C-0003, the Air Force issued to ULS undefinitized modification FA8811-11-C-0001 P00018 to order launch services for the GPS IIF-12 satellite, among others. Doc. 19.

48. DEFENDANTS: June 8, 2012 – ULS submitted its launch capability proposal.

49. DEFENDANTS: July 12, 2012 – The Under Secretary of Defense for Acquisition, Technology, and Logistics, Frank Kendall, issued an acquisition decision memorandum (ADM) certifying a restructured EELV program after a critical cost breach under section 2433a of title 10, United States Code. Doc. 20.

50. August 16, 2012 – SpaceX submits to the Air Force an unsolicited proposal to provide launch services for GPS III satellites at price of \$79.9 million dollars for each Falcon 9 launch.

51. DEFENDANTS: August 23, 2012 – ULS submitted its launch vehicle production services proposal.

52. September 18, 2012 – Air Force rejects SpaceX’s August 16, 2012 unsolicited proposal, explaining that the GPS III satellites “may be acquired by competitive methods” from “certified launch providers.”

53. DEFENDANTS: November 15, 2012 – The Air Force issued contract modification FA8811-11-C-0001 P00026 to remove from contract no. FA8811-11-C-0001 launch services for the DMSP-20 and GPS IIF-12 satellites, among others. Doc. 21. In a contract action separate from contract no. FA8811-13-C-0003, the Air Force awarded undefinitized letter contract no. FA8811-13-C-0002 to ULS for Delta IV EELV launch services, including launch services for the DMSP-20 and GPS IIF-12 satellites. Doc. 22.

54. DEFENDANTS: November 27, 2012 – Mr. Kendall issued an ADM that authorized the Air Force to negotiate a contract with ULS for up to 36 launch vehicle core orders during Phase 1, fiscal years 2013-2017. The ADM also called for up to 14 launch vehicle core orders to be awarded through competition as early as fiscal year 2015. This ADM “direct[ed] the Air Force to aggressively introduce a competitive procurement environment in the EELV program” and to “[t]ake action to compete missions in such a way as to start awarding them as soon as possible after a new entrant is certified for the EELV program.” The ADM also directed the Air Force to submit to Mr. Kendall amendments to the ASD implementing the ADM. Doc. 23.

55. DEFENDANTS: December 11, 2012 – The Program Executive Officer for Space Launch, Scott Correll, concurred in an ASD amendment that incorporated the November 27, 2012 ADM’s direction to award a requirements contract to ULS for up to 36 launch vehicle

cores. The ASD was also amended to incorporate the ADM's direction to award up to 14 launch vehicle core orders through competition among certified launch vehicle service providers starting no earlier than fiscal year 2015.

56. January 24, 2013 – Under Secretary Kendall provides a letter to GAO addressing the launches reserved for competition and the eligibility requirements for a new entrant to be qualified to compete for EELV launches.

57. February 7, 2013 – The GAO releases a review of the Launch Services New Entrant Certification Guide. The report cites “significant price increases for launch services” among other reasons for introducing competition.

58. DEFENDANTS: February 10, 2013 – Mr. Kendall approved the December 11, 2012 amendments to the ASD. Doc. 24.

59. March 2013 – The GAO publishes a report indicating a 285.7% unit cost growth over the original baseline in the EELV Program.

60. March 21, 2013 – SpaceX meets with the Air Force to discuss solicitation terms for the 14 competed cores.

61. April 2013 – FY14 budget is released showing that DoD budgets approximately \$380 million per EELV launch in FY13. This figure was later revised to approximately \$360 million per EELV launch, according to the subsequent FY15 budget request.

62. DEFENDANTS: April 2013 – The Air Force publically released the fiscal year 2014 EELV POM on the Air Force Comptroller's website, announcing “[t]he Department designated 14 cores across Fiscal Year (FY) 15-FY17 procurement years as open to competition based on the projected performance of the designs described by potential New Entrants in their

Statements of Intent (SOI) as well as providing 36 cores to United Launch Alliance in FY13-17.”
Doc. 25.

63. April 12, 2013 – Secretary Donley testifies about the introduction of competition into the EELV Program during the House Armed Services Committee Hearing for the FY 2014 National Defense Authorization budget request from the Department of the Air Force. Secretary Donley states that “We now have potential alternatives to that that are coming along through a group of companies that are described as new entrants into space launch, working with NASA and the National Reconnaissance Office, the intelligence community, we have crafted a strategy for how to bring in new entrants and certify them in space launch.”

64. DEFENDANTS: April 24, 2013 – Air Force Space Command requested that SMC procure launch services for five missions, including the GPS III-2 satellite launch. Doc 26.

65. April 25, 2013 – Deputy Assistant Secretary Klinger provides testimony before House Armed Services Committee Strategic Forces Subcommittee addressing the introduction of competition into the EELV Program. Deputy Under Secretary Klinger states that “The Department is still buying 50 cores under the EELV program, but 14 of the 50 are available for competition.”

66. April 25, 2013 – General Shelton testifies regarding future competition in the EELV Program before the Hearing of the Strategic Forces Subcommittee of the Senate Armed Services Committee and states that will include 14 cores to be competed.

67. April 26, 2013 – General Shelton and Deputy Assistant Secretary Klinger appear before the Strategic Forces Subcommittee of the House Armed Services Committee for a hearing related to the FY 2014 National Defense Authorization budget request for national security space activities, again committing to competition. Deputy Assistant Secretary Klinger testifies that

“We are moving forward to introduce competition as early as possible.” When asked about the timeline on the new entrant certification process, General Shelton testifies that “It depends -- it actually depends on each provider, sir. As they have launches, as they work through the certification process with us, it's up to them. It's up to them to have whatever pace they would like to have.”

68. June 7, 2013 – EELV Program Executive Officer Scott Correll meets with SpaceX's CEO and COO and promises SpaceX competition for 14 missions.

69. DEFENDANTS: June 7, 2013 – The Air Force entered into a Cooperative Research and Development Agreement (CRADA) to assist SpaceX in obtaining certification for its Falcon 9 v1.1 launch vehicle. Doc. 27.

70. DEFENDANTS: June 12, 2013 – Air Force Space Command requested that SMC delay the launch of the DMSP-20 satellite until fiscal year 2020. Doc. 28.

71. DEFENDANTS: June 26, 2013 – The Air Force awarded contract no. FA8811-13-C-0003 to ULS as an undefinitized letter contract. The award was publicly announced on Defense.gov and posted to the Federal Procurement Data System. Doc. 29; Doc. 30.

72. September 9, 2013 – The GAO publishes a report on increased funding needs for EELV launch-related activities.

73. DEFENDANTS: September 10, 2013 – SpaceX Falcon 9 v.1.1 flew its first of three flights required for EELV certification (CASSIOPE satellite).

74. DEFENDANTS: November 14, 2013 – The Air Force concluded negotiations with ULS to definitize letter contract no. FA8811-13-C-0003.

75. DEFENDANTS: December 3, 2013 – The SpaceX Falcon 9 v.1.1 flew its second of three flights required for EELV certification (SES-8 satellite).

76. December 16, 2013 – SpaceX delivers to the Air Force Post Flight Report for first EELV certification launch conducted on September 29, 2013.

77. DEFENDANTS: December 18, 2013 – The Air Force definitized the FA8811-13-C-0003 letter contract with ULS. Doc. 31.

78. DEFENDANTS: December 19, 2013 – The Air Force posted notice of the modification definitizing contract no. FA8811-13-C-0003 on FedBizOpps. Doc. 32.

79. DEFENDANTS: January 6, 2014 – The SpaceX Falcon 9 v.1.1 flew its third and final flight required for EELV certification (THAICOM 6 satellite).

80. DEFENDANTS: January 10, 2014 – In a contract action separate from contract no. FA8811-13-C-0003, the Air Force definitized contract no. FA8811-13-C-0002. Contract modification FA8811-13-C-0002 PZ0002 substituted launch services for the GPS III-2 satellite in place of launch services for the DMSP-20 satellite. The modification also definitized launch services for the GPS IIF-12 satellite. Doc. 33.

81. January 28, 2014 – The GAO provides briefing to the Senate Homeland Security and Government Affairs Committee, addressing the difficulty in identifying with precision the actual costs of EELV launches.

82. February 7, 2014 – General Shelton states publically that the Air Force is concerned about the health of the current GPS constellation, saying it is “fragile” and “old enough to vote.”

83. February 11, 2014 – SpaceX delivers to the Air Force Post Flight Report for second EELV certification launch conducted on December 3, 2013.

84. February 20, 2014 – Col. William Cooley, GPS Systems Director, says the current GPS constellation is well past its design life, with some satellites more than 16 years beyond their design life.

85. February 25, 2014 – The Air Force issues a press release qualifying SpaceX's first EELV certification launch as a success.

86. March 4, 2014 – FY15 budget is released showing an Air Force budget request to pay ULA roughly \$404 million per EELV core in FY15.

87. March 5, 2014 – SpaceX and ULA CEOs testify before Senate Appropriations Defense Committee.

88. March 5, 2014 – The Air Force announces the EELV launches previously designated for competition are reduced from 14 to 7, and at least 2 of the 7 that were eliminated from competition were sole-sourced to ULA, at least 1 in order to meet the demands of the its latest sole-source award.

89. March 12, 2014 – Douglas Loverro, Deputy Assistant Defense Secretary for Space Policy, and General Shelton testify before the Strategic Forces Subcommittee of the Senate Armed Services Committee on military space programs in review of the defense authorization request for FY 2015 and the future years defense program. Deputy Assistant Secretary Loverro testifies that “The indications are that in that competitive environment we can bring commercial launch back to the U.S. SpaceX has been one of the most successful companies in attracting competitive international launch back into the U.S., which is good for us all.”

90. March 14, 2014 – Secretary of the Air Force Deborah James provides testimony regarding the rising costs of the EELV program and planned future competition before the House Armed Services Committee.

91. March 20, 2014 – Lt. Gen. Ellen Pawlikowski (Space PEO) sends a letter to SpaceX addressing upcoming solicitations for FY15 competed orders, and qualifications to compete.

92. DEFENDANTS: March 22, 2014 – SpaceX submitted data from its third Falcon 9 v.1.1 flight conducted on January 6, 2014 to the Air Force for EELV certification.

93. March 26, 2014 – Secretary James testifies at the House Appropriations Committee – Defense Hearing on the FY15 Air Force budget and states “So right now, we are interested and we're trying to aggressively get more competition – we think we'll – that'll be good for all of us. It'll bring our costs down.”

94. March 31, 2014 – The GAO report estimates per-unit cost of EELV purchases from ULA at \$420.5 million, up from \$360 million the prior year.

95. April 1, 2014 – Seven U.S. Senators issue a letter to Secretary of Defense Chuck Hagel expressing strong concern over the reduction in competitive opportunities in the EELV Program.

96. April 2, 2014 – Secretary James testifies at the Hearing of the Defense Committee of the Senate Appropriations Committee on proposed budget estimates for FY 2015 for the Department of the Air Force and states that “So the quicker we can get other companies qualified to compete, the better, as far as I'm concerned. And again, by the end of 2014, I believe they will be qualified to compete for the light [launches]. And by 2017, they'll be able to compete for the heavies as well, which means the whole thing would be opened up to competition.”

97. April 3, 2014 – The House Armed Services Committee, Strategic Forces Subcommittee holds a hearing on national security space, with General Shelton, Deputy Assistant Secretary Klinger, and Deputy Assistant Secretary Loverro providing testimony.

98. April 10, 2014 – Secretary James testifies before the Senate Armed Services Committee that the threat of competition when ULA signed its contract helped to bring the cost of the contract down. Secretary James states that the Air Force expects SpaceX to be qualified to compete for EELV launches in 2014.

99. April 17, 2014 – Secretary James sends a letter to Senator Feinstein stating why the Air Force reduced the number of competed launches from 14 to 7.

100. April 18, 2014 – SpaceX conducts its ninth consecutive successful launch of the Falcon 9, and the fourth successful launch of the Falcon 9v1.1, the first three of which were qualifying EELV certification launches.

101. April 25, 2014 – Senator John McCain sends a letter to Secretary James “requesting additional information about her recent testimony regarding the EELV program before the Senate Armed Services Committee on April 10, 2014, and conveying concern about the apparently incomplete and incorrect nature of some of that testimony.”

102. April 25, 2014 – Senator McCain sends a letter to “Department of Defense Inspector General Jon T. Rymer requesting that his office investigate recent developments regarding the EELV program.”

103. April 29, 2014 – Senator McCain questions Secretary James regarding the EELV program during a hearing of the Senate Armed Services Committee.

104. April 30, 2014 – Undersecretary Kendall testifies before the Senate Armed Services Committee. Under Secretary Kendall expressly states “my direction in the ADM, the

Acquisition Decision Memorandum, that I signed, in order to get competition as early as possible.... I allowed people to bid without having completed the certification process. So they could compete before the certification was completely done, all the documentations were reviewed, et cetera.”

105. May 8, 2014 – Senator McCain sends a letter to President Barack Obama requesting that he “explain how the Administration's pursuit to reverse the court's order granting a preliminary injunction in this case is consistent with the Administration's policy both to pursue the domestic manufacture of rocket engines and to employ sanctions aggressively to punish and deter further Russian aggression in Ukraine.”

106. May 2014 – Scott Correll, former Program Executive Officer, Space Launch, and negotiator of the block buy arrangement with ULA, updates his LinkedIn profile having retired from U.S. Government service to reflect that he has now joined Aerojet-Rocketdyne, one of the major suppliers to ULA under the EELV Program, as Vice President for Government Acquisition and Policy.

107. May 14, 2014 – Russian Deputy Prime Minister Dmitry Rogozin, who is currently under sanction by the U.S. Government, holds a press conference announcing that NPO Energomash would no longer supply RD-180 rocket motors to ULA if those motors were to be used to support the DoD.

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Respectfully submitted,

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